

a full statement of all the facts and proceedings therein, has already been reported. (*Ante*, page 178.) Previous to that decision, to wit, on the 27th of March, 1851, upon a petition filed by the defendant, praying leave to take new testimony discovered since the return of the commissions, and since the cause had been set down for hearing, the Chancellor passed the following order: "Ordered, that a commission issue to Samuel W. Jones and William S. Waters, of Somerset county, to take further proof in this case, as prayed, and that such further proof be read at the hearing thereof, provided, that the hearing of said cause shall not be delayed by reason of this order, unless the complainant should ask for the delay. The additional proof, to be taken under this order, to be taken on three days notice to the opposite party, or his or her solicitor." No delay having been asked for by the complainants, the cause was submitted and argued, and the opinion already referred to, delivered on the 29th of April, 1851.

After this, to wit, on the 28th of May, 1851, the complainant filed a petition for a rehearing of the cause, upon the point of the title to negro Isaac, in which it is stated, that since the argument of the cause, viz. being the week succeeding the 28th of April, 1851, the complainant had discovered new and material testimony in reference to the said negro Isaac. That Joshua Reece, a competent witness, would prove the following facts, to wit, that Isaac was for some two years, or thereabouts, in the possession of Jesse Hughes, and claimed by him until, by his services, he had worked out about thirty or forty dollars, a balance of money which said Jesse had paid for said Josiah Hughes, as the said witness had understood from Jesse; that Isaac was restored by said Jesse to Josiah, some time before said Josiah's death, the said Jesse, admitting himself to be repaid, and said negro to belong to said Josiah; that Isaac then remained in the possession of said Josiah, from that time until his death, and that the witness lived in the family of Jesse Hughes, before the year 1815, and until the death of said Josiah.

The petition then states, that the witness removed from